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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kirby Files

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GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
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EXAMINER

IBRAHIM, MOHAMED

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/622,410	Applicant(s) FILES ET AL.	
	Examiner MOHAMED IBRAHIM	Art Unit 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 21-26 and 27 recite respectively, "computer readable media" and "computer readable storage medium." However, these phrases lack support of proper antecedent basis from the instant disclosure. Appropriate correction is requested.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "...receiving from a computing device operated by a customer of network services from an operator of one or more packet routed networks a service request..." It is indefinite as to whether the service request is received from the computing device of the customer or an operator.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8 and 10-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chantrain et al. (Chantrain), U. S. Patent Application Publication No.

2002/0194323 in view of Natarajan et al. (Natarajan), U. S. Patent No. 6584502.

Regarding claim 1, Chantrain discloses a method implemented on one or more computing devices (see e.g. paragraph [0015], configuration change implement in one or more network elements), comprising: receiving from a computing device operated by a customer of network services from an operator of one or more packet routed networks a service request for adding, modifying or canceling a packet transport service on the one or more packet routed networks having defined service levels on the one or more packet networks (see e.g. paragraphs [0018], [0020] and [0050]; a request for configuring a network element is received by the network element controller); and automatically generating, in response to receiving the service request, updated configuration data for one or more of a plurality of network elements of said one or more packet networks necessary for implementing the service request (see e.g. paragraphs [0039] and [0051]-[0054]; current configuration database is accessed and template of configuration service change is generated).

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Although Chantrain discloses the invention substantially as claimed, it does not explicitly disclose updating configurations of the one or more network elements according to the updated configuration data.

Natarajan, however, teaches a technique for providing automatic event notification of changing conditions to a network element wherein the affected network elements are updated and the configuration updates are stored in a database cache (see e.g. fig. 10 and col. 13 lines 59-66 and col. 18 lines 42-59). At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the teachings of Natarajan with that of Chantrain. Motivation for doing so would have been to have the configuration data available for use by the network element in the event of an error (see Natarajan, col. 9 lines 11-17).

Regarding claim 2, Chantrain-Natarajan teaches further comprising automatically determining which of the plurality of network elements will be affected by the service request (see e.g. Chantrain, paragraph [0051]).

Regarding claim 3, Chantrain-Natarajan teaches wherein automatically generating updated configuration data includes generating confirmation data based at least in part on data from a network database storing current configuration data for said one or more network elements (see e.g. Chantrain, paragraphs [0052]-[0054]).

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Regarding claim 4, Chantrain-Natarajan teaches wherein automatically generating updated configuration data further comprises automatically generating said configuration data based at least in part on a predefined script (see e.g. Chantrain paragraph [0053]).

Regarding claim 5, Chantrain-Natarajan teaches wherein automatically generating updated configuration data includes populating predefined templates with data from a network database storing configuration data on the one or more network elements and new configuration data based on the service request (see e.g. Chantrain, paragraph [0052] and [0054] also see Natarajan, col. 18 lines 42-59). The same motivation utilized in the combination of claim 1, equally applies as well to claim 5.

Regarding claim 6, Chantrain-Natarajan teaches, further comprising running one or more automated routines for automatically populating the templates with data from the network database and the new configuration data (see e.g. Natarajan col. 13 lines 59-66). The same motivation utilized in the combination of claim 1, equally applies as well to claim 6.

Regarding claim 7, Chantrain-Natarajan teaches further comprising verifying that said new configuration data is consistent with a configuration of said one or more packet networks (see e.g. Natarajan, fig. 13 item 1306 and col. 33 lines 10-27). The same motivation utilized in the combination of claim 1, equally applies as well to claim 7.

Regarding claim 8, Chantrain-Natarajan teaches further comprising updating a network database, storing configuration data for said one or more network elements with said generated updated configuration data (see e.g. Natarajan, col. 13 lines 59-66). The same motivation utilized in the combination of claim 1, equally applies as well to claim 8.

Regarding claim 10, Chantrain-Natarajan teaches further comprising verifying that said updated configuration of said one or more network elements is consistent with configuration data, for said one or more network elements, stored in a network database (see e.g. Natarajan, fig. 13 and col. 33 lines 10-27). The same motivation utilized in the combination of claim 1, equally applies as well to claim 10.

Regarding claim 11, Chantrain-Natarajan teaches wherein said verifying step comprises: retrieving said stored configuration data regarding said one or more network elements from said network database; identifying one or more fields in said updated configuration of said one or more network elements; and comparing values of said one or more identified fields with values of corresponding fields in said retrieved configuration data (see e.g. Natarajan, fig. 15 and col. 26 lines 11-39). The same motivation utilized in the combination of claim 1, equally applies as well to claim 11.

Regarding claim 12, Chantrain-Natarajan teaches further comprising generating an

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exception in response to said values of said one or more identified fields not matching said values of corresponding fields in said retrieved configuration data (see e.g. Natarajan col. 26 lines 35-48). The same motivation utilized in the combination of claim 1, equally applies as well to claim 12.

Claim 13 list all the same elements of claim 1, but in computer-implement form rather than method form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 13. The same motivation utilized in the combination of claim 1, equally applies as well to claim 13.

Regarding claim 14, Chantrain-Natarajan teaches further comprising retrieving one or more selected script objects from a plurality of script objects, each of said selected script objects specifying a network element specific script for a corresponding one of said one or more affected network elements (see e.g. Chantrain, paragraphs [0052]-[0053]).

Regarding claim 15, Chantrain-Natarajan teaches further comprising obtaining abstract connectivity information for each of said one or more affected network elements from said network database (see e.g. Chantrain, paragraph [0080]).

Regarding claim 16, Chantrain-Natarajan teaches wherein said abstract connectivity information specifies a manner of connection between said one or more affected

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network elements (see e.g. paragraphs [0052] and [0080]).

Regarding claim 17, Chantrain-Natarajan teaches wherein said automatically generating configuration data further comprises: selecting said one or more of said plurality of template fragments; and assembling said selected template fragments into a template (see e.g. Chantrain, paragraphs [0056] and [0058]).

Regarding claim 18, Chantrain-Natarajan teaches further comprising populating said assembled template with said network element inventory data (see e.g. Natarajan col. 13 lines 59-66). The same motivation utilized in the combination of claim 1, equally applies as well to claim 18.).

Regarding claim 19, Chantrain-Natarajan teaches, further comprising communicating said configuration data to each of said one or more affected network elements (see e.g. Chantrain, paragraph [0054]).

Regarding claim 20, Chantrain-Natarajan teaches wherein said automatically generating step is performed prior to said communicating step (see e.g. Chantrain, paragraphs [0053]-[0054]).

Claim 21 list all the same elements of claim 1, but in computer-implement form rather than method form. Therefore, the supporting rationale of the rejection to claim 1 applies

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equally as well to claim 13. The same motivation utilized in the combination of claim 1, equally applies as well to claim 21.

Regarding claim 22, the limitation of this claim has already been addressed (see claim 2 above).

Regarding claim 23, the limitation of this claim has already been addressed (see claim 3 above).

Regarding claim 24, the limitation of this claim has already been addressed (see claim 4 above).

Regarding claim 25, the limitation of this claim has already been addressed (see claim 5 above).

Regarding claim 26, the limitation of this claim has already been addressed (see claim 6 above).

Regarding claim 27, Chantrain-Natarajan teaches computer readable storage medium comprising: stored metadata for describing elements of a packet routed network, relationships between the elements of the packet network, and types of properties to be stored with respect to each element of the packet routed network; and fields defined by

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the metadata for storing configuration data (see e.g. Natarajan, col. 31 lines 35-50). The same motivation utilized in the combination of claim 1, equally applies as well to claim 27.

Response to Arguments

6. Applicant's arguments with respect to claims 1-8 and 10-27 have been considered but are moot in view of the new ground(s) of rejection.

Prior Art of Record

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMED IBRAHIM whose telephone number is (571)270-1132. The examiner can normally be reached on Monday through Friday from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn, Jr. can be reached on 571-272-3922. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MI/

/Hassan Phillips/
Primary Examiner, Art Unit 2451